

REMARKS

Claims 60-82, 95-103, and 111-114 are pending in the application. Claims 63-65 stand objected to, but would be allowable if rewritten in independent form, including the limitations of the base claim and any intervening claims, and to address the Examiner's objections. Claims 60-61, 66-82, and 95-103 stand rejected under 35 U.S.C. § 102(a) as being anticipated by European Patent No. 0598469 A2 to Dunlevy. Claims 111-114 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunlevy in view of US Patent No. 5,412,738 to Brunelli, et al.

Reconsideration is requested. The rejections are traversed. No new matter is added. Claims 60, 63, 67, 76, and 95 are amended. Claims 60-82, 95-103, and 111-114 remain in the case for consideration.

INTERVIEW SUMMARY

On July 14, 2008, the undersigned spoke with Examiner Pich regarding the Office Action. All the claims were discussed. No agreement was reached.

The undersigned argued that the claims are directed to an identification system, not only from the preamble language, but also from the features of the claims. The Examiner argued that the claims could cover a verification system, and pointed to claim 62 as expressly teaching a verification system. The undersigned pointed out that the doctrine of claim differentiation suggests that the features of dependent claim 62 should not be read into independent claim 60, and that even claim 62 could describe an identification system: claim 62 does not limit the set of currently stored registration biometric samples to a single biometric sample.

The undersigned also argued that Dunlevy and Brunelli could not be combined as suggested by the Examiner; the Examiner did not agree with this argument.

The Examiner acknowledged that if the claims were amended to recite that information about multiple accounts were returned by the identification system, such an amendment would distinguish the claims over Dunlevy, although the Examiner would not acknowledge that the claims would then be allowable.

CLAIM OBJECTIONS

The Examiner objects to claim 63, arguing that "it is impossible to receive one biometric sample taken from two different individuals" (*see* Office Action dated February 20, 2008, page

6). The Examiner suggests correcting the claim to recite “two new registration biometric samples” instead of “one new registration biometric sample”.

The Applicant understands the Examiner’s concern with claim 63 (although the Applicant believes the claim language did not describe an impossibility), but does not think the Examiner’s proposed amendment would address the impossibility that was the basis of the objection. If one biometric sample cannot be taken from two different individuals, it would seem that two different samples likewise cannot be taken from two individuals (on the premise that one interpretation of the claim would be that each individual provides the same two biometric samples). The Applicant has amended claim 63 in a manner that the Applicant believes addresses the Examiner’s objection.

REJECTIONS UNDER 35 U.S.C. §§ 102(a) and 103(a)

The Examiner has rejected claims 60-82, 95-103, and 111-114 as being anticipated by Dunlevy or obvious over Dunlevy in view of Brunelli. The Examiner has acknowledged that Dunlevy does not teach or suggest transmitting information about multiple accounts after the use of the biometric, as a single financial account is a priori specified in Dunlevy. Brunelli likewise does not describe the possibility of there being multiple accounts associated with a single individual. The claims have been amended to recite the possibility of multiple accounts being associated with a single individual. Accordingly, the Applicant believes claims 60-82, 95-103, and 111-114 are now patentable under 35 U.S.C. § 102(a) over Dunlevy and under 35 U.S.C. § 103(a) over Dunlevy in view of Brunelli.

For the foregoing reasons, reconsideration and allowance of claims 60-82, 95-103, and 111-114 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in dark ink, appearing to read "Ariel S. Rogson", is written over a horizontal line.

Ariel S. Rogson
Reg. No. 43,054

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613
Customer No. 60460